

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:
ABERDEEN ENTERPRISES, INC.,
BRICKCHURCH ENTERPRISES, INC.,
Debtors.

Chapter 11
Case No. 23-72834-AST
Case No. 22-70914-AST
Jointly Administered

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**DOCUMENTS CITED IN BAY POINT CAPITAL
PARTNERS II, LP'S AND ABERDEEN ENTERPRISES, INC.'S
JOINT STATEMENT OF UNDISPUTED MATERIAL FACTS**

- A. Bay Point Capital Partners II, LP's and the Debtors' Joint Disclosure Statement [D.I. 218]
- B. Secured Promissory Note in favor of JGB Partners LP and affiliated entities ("JGB"), dated July 25, 2018, executed by Aberdeen Enterprises, Inc. ("Aberdeen") and Brickchurch Enterprises, Inc. ("Brickchurch")
- C. Mortgage in favor of JGB dated July 25, 2018, executed by Aberdeen and Brickchurch
- D. Mortgage in favor of Morgan Stanley Private Bank, National Association ("Morgan Stanley") dated December 30, 2011, executed by Aberdeen
- E. Adjustable Rate Note in favor of Morgan Stanley, dated December 30, 2011, executed by Louise Blouin
- F. Complaint against Aberdeen, Brickchurch, and certain lienholders filed by JGB on November 22, 2019 in the Supreme Court for Suffolk County, New York (the "Suffolk County Court") on November 22, 2019
- G. Complaint against Aberdeen and certain lienholders filed by Morgan Stanley on November 25, 2019 in the Suffolk County Court
- H. Judgment of Foreclosure and Sale entered by the Suffolk County Court on February 2, 2022
- I. Order (I) Authorizing Debtor to Obtain Post-Petition Secured Financing Pursuant to 11 U.S.C. §§ 105, 361, 362 and 364, and (II) Granting Liens and Super-Priority Claims [D.I. 172]

- J. Loan and Security Agreement, dated November 9, 2022 between Bay Point Capital Partners II, LP ("Bay Point"), as Lender, and Brickchurch and Aberdeen, as Borrowers
- K. Promissory Note in favor of Bay Point, dated December 9, 2022, executed by Brickchurch and Aberdeen
- L. Mortgage, Assignment of Leases and Rents, Assignment of Contracts, Security Agreement, and Fixture Filing in favor of Bay Point, dated December 9, 2022, executed by Aberdeen
- M. Acknowledgement and Consent, dated November 10, 2022, executed by Aberdeen
- N. Debtors' Joint Chapter 11 Plan of Reorganization [D.I. 44] filed September 5, 2023
- O. Debtors' First Amended Joint Chapter 11 Liquidating Plan [D.I. 76] filed October 11, 2023
- P. Debtors' Second Amended Joint Liquidating Plan [D.I. 193] filed February 9, 2024
- Q. Bay Point Capital Partners II, LP's and the Debtors' Second Amended Plan under Chapter 11 of the Bankruptcy Code [D.I. 215] filed February 16, 2024
- R. Findings of Fact, Conclusions of Law and Order (I) Confirming Bay Point Capital Partners II, LP's and the Debtors' Second Amended Joint Liquidating Plan Under Chapter 11 of the Bankruptcy Code; (II) Approving Bay Point Capital Partners II, LP's and the Debtors' Joint Disclosure Statement; and Approving the Sale Transactions (As Defined Herein); and (IV) Granting Related Relief [D.I. 248]
- S. Notice of Filing of Schedule A to Bay Point Capital Partners II, LP's and the Debtors' Second Amended Joint Liquidating Plan Under Chapter 11 of the Bankruptcy Code [D.I. 221]

Signatures on Next Page

Respectfully submitted,

GOLDBERG WEPRIN FINKEL
GOLDSTEIN LLP

THOMPSON HINE LLP

By: /s/ Kevin Nash
125 Park Avenue, 12th Floor
New York, New York 10017
P: 212.221.5700
F: 212.730.4518
Knash@gwfglaw.com

By: /s/ John C. Allarding
John C. Allarding (Admitted Pro Hac Vice)
3560 Lenox Road NE, Suite 1600
Atlanta, Georgia 30326
P: 404.407.3676
F: 404.541.2905
John.Allarding@ThompsonHine.com

Counsel for Aberdeen Enterprises, Inc.

Alan R. Lepene (Admitted Pro Hac Vice)
3900 Key Center
127 Public Square
Cleveland, Ohio 44114
P: 216.566.5500
F: 216.566.5800
Alan.Lepene@ThompsonHine.com

Counsel for Bay Point Capital Partners II, LP